

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BOARD OF TRUSTEES OF THE LOCAL	)	
UNION NO. 422 U.A. OF JOLIET,	)	
ILLINOIS PENSION FUND AND	)	
BOARD OF TRUSTEES OF THE LOCAL	)	
UNION NO. 422 U.A. OF JOLIET,	)	No. 08 C 935
ILLINOIS WELFARE FUND,	)	
	)	Judge Zagel
Plaintiffs,	)	
	)	Magistrate Judge Cole
v.	)	
	)	
ZILCH PLUMBING, LLC, a Limited	)	
Liability Company,	)	
	)	
Defendant.	)	

**MOTION FOR ORDER OF DEFAULT AND AUDIT**

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ and ARNOLD and KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter an Order of Default as to liability in favor of Plaintiffs and against Defendant, ZILCH PLUMBING, LLC.

In support thereof, Plaintiffs state

1. This case was filed on February 14, 2008.
2. Defendant was served with Summons and Complaint on February 27, 2008 as shown on the return of service previously filed.
3. In excess of 20 days have expired since Service of Process, however, Defendant has failed to file an answer or otherwise plead.

**WHEREFORE**, Plaintiffs move this Court to:

1. Enter an Order of Default against Defendant.
2. Order Defendant to submit its records for an audit for the period October 8, 2007

through the present.

Respectfully submitted,

**BOARD OF TRUSTEES OF THE LOCAL  
UNION NO. 422 U.A. OF JOLIET, ILLINOIS  
PENSION FUND**

s/ Donald D. Schwartz  
Counsel for Plaintiff

Donald D. Schwartz  
**ARNOLD AND KADJAN**  
19 West Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415

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ILLINOIS WELFARE FUND, )		
		) Judge Zagel
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		)
ZILCH PLUMBING, LLC, a Limited )		
Liability Company, )		
		)
Defendant. )		

**ORDER**

**THIS CAUSE** coming on to be heard on Motion of Plaintiffs for entry of Default against Defendant and for an Order requiring Defendant to turn over their books and records for audit; the Court finds as follows:

- A. The Complaint was filed herein on February 14, 2008.
- B. Process has been served upon Defendant, ZILCH PLUMBING, LLC.
- C. Defendant has filed no answer or other pleadings within the time provided by law.

**IT IS HEREBY ORDERED:**

- 1. Defendant, ZILCH PLUMBING, LLC is hereby defaulted and Judgment as to liability is entered against him and in favor of Plaintiffs.
- 2. Defendant is ordered to permit, within 30 days, an audit of his books and records of Plaintiffs' auditor. The audit will cover the period from October 8, 2007 through the present.
- 3. Defendant is ordered to produce the following records beginning as of October 8, 2007 through the present for examination by Plaintiffs' auditor:
  - A. All cash disbursement journals;
  - B. All individual payroll records;

- C. All time records which are the basis of the above-mentioned individual payroll records;
- D. All State unemployment tax returns as requested by the Trustees;
- E. All records showing Defendants' employees nature and classification of work, membership of those employees in, or contributions by Defendants on their behalf to, other trades, crafts, or fringe benefit funds.

DATED:\_\_\_\_\_

ENTER:\_\_\_\_\_  
**HONORABLE JUDGE ZAGEL**

Donald D. Schwartz  
**ARNOLD AND KADJAN**  
19 West Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415